

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

K.S., et al.,

Plaintiffs,

-v-

City of New York, et al.,

Defendants.

CIVIL ACTION NOS. 21 Civ. 4649 (JSR) (SLC)  
24 Civ. 3390 (JSR) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

At the telephonic discovery conference held today, November 1, 2024 (the “Conference”), the Court continued to discuss the ongoing discovery disputes recently referred to the undersigned by the Honorable Jed S. Rakoff. (See Case No. 21 Civ. 4649, ECF No. 154; Case No. 24 Civ. 3390, ECF No. 37). Pursuant to the discussion at the Conference, the Court orders as follows:

1. The discovery deadlines in this action are EXTENDED as follows:

a. Fact discovery shall be completed by **Friday, December 20, 2024.**

i. The parties shall file a letter certifying completion of fact discovery by  
**Friday, December 27, 2024.**

b. Expert discovery shall be completed by **Monday, March 3, 2025.**

i. Plaintiffs shall disclose their experts by **Monday, January 20, 2025.**

ii. Defendants shall disclose their experts by **Monday, February 10, 2025.**

iii. Expert witness depositions shall be completed by **Monday,  
March 3, 2025.**

- iv. The parties shall file a letter certifying completion of all discovery by  
**Monday, March 10, 2025.**

2. As to Plaintiffs' Rule 30(b)(6) topic requests:

- a. Counsel for the City of New York (the "City") shall prepare a representative from the Administration for Children's Services ("ACS") to be deposed regarding:

- i. The contracts between the City and Voluntary Agencies, including St. Vincent's Services, Inc. ("SVS") and Heartshare St. Vincent's ("HSV") for the provision of foster care services generally and to D.S. while he was in care.
- ii. Policies and procedures concerning licensing and recertification requirements for foster parents, including the process for determining whether a foster parent candidate has a prior criminal conviction.
- iii. D.S.'s foster care records, including "CONNECTIONS" records, and the standards that applied to him.
- iv. ACS structure and document policies and retention.
- v. ACS oversight, auditing, quality assurance, and monitoring of the voluntary agencies, including SVS/HSV.
- vi. ACS's knowledge of, monitoring of, and involvement in the provision of educational services to D.S., including his Individualized Education Plans ("IEPs").
- vii. Improved Outcomes for Children processes.

b. Counsel for the City shall prepare a representative from the New York City Department of Education (“DoE”) to be deposed regarding:

- i. The steps that DoE Defendants took, if any, to implement the interim, pendency and final decisions in Case Nos. 210063, 197100, and 173308.
- ii. Special education services available to and/or provided to D.S.
- iii. The IEPs that DoE created for D.S. between 2010 and 2013.
- iv. DoE’s Surrogate Parent policies and procedures.
- v. Services available to be placed on the IEPs of children with behavioral, psychological and/or psychiatric conditions.
- vi. Services available from the DoE for children who engage in sexualized behavior.
- vii. Coordination between DoE and ACS (or any other City agency), if any, concerning students with IEPs in foster care.
- viii. Document retention and data collection.

3. By **Tuesday, November 5, 2024**, the parties shall file the following documents in connection with Plaintiffs’ request for a protective order concerning D.S.’s deposition:

- a. A declaration by K.S.; and
- b. Quarterly reports or other recent evaluations of D.S. made by caregivers at the Judge Rotenberg Educational Center.

4. Defendants’ deadline to respond to Plaintiffs’ Second Set of Requests for Production of Documents is EXTENDED to **Friday, November 15, 2024**. Plaintiffs’ counsel shall

review this Second Set of Requests for Production to determine whether any can be withdrawn or narrowed.

5. Counsel for Plaintiffs and the City Defendants shall meet and confer regarding the list of City Defendants' custodians' email accounts to be searched, as well as the search terms to be used in the searches.
6. The following issues were raised but deferred for discussion at a future conference:
  - a. The depositions of two ACS Deputy Commissioners.
  - b. The number of depositions to be taken by Plaintiffs.
  - c. The timing of K.S.'s deposition.
  - d. Plaintiffs' request for a protective order concerning D.S.'s deposition.
7. A follow-up discovery conference is scheduled for **Friday, November 8, 2024 at 2:30 p.m.** on the Court's conference line. The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time.

Dated: New York, New York  
November 1, 2024

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge